REMARKS

Applicants respectfully submit that all the claims presently on file are in condition for allowance, which action is earnestly solicited. Applicants have amended the claims to more clearly point out the present invention.

THE CLAIMS

CLAIM REJECTION UNDER 35 U.S.C. 112

Claim 7 was rejected under 35 U.S.C. 112 for containing an informality. Claim 7 as now amended satisfy the requirement of 35 USC 112.

CLAIM REJECTION UNDER 35 U.S.C. 102

A. The Rejection

Claims 1, 4-9,11,14-19, 21, and 24-29 were rejected under 35 U.S.C. 102(e) as being anticipated by Peskin (US Patent Publication No. 20030046304). Applicants respectfully submit that Peskin does not disclose all the elements and limitations of the claims on file. Consequently, the claims are not anticipated by Peskin, and the allowance of these claims is earnestly solicited. In support of this position, Applicants submit the following arguments:

B. Legal Standard for Lack of Novelty (Anticipation)

The standard for lack of novelty, that is, for "anticipation," is one of strict identity. To anticipate a claim for a patent, a **single prior source must contain** all its essential elements, and the burden of proving such anticipation is on the party making such assertion of anticipation. Anticipation cannot be shown by combining more than one reference to show the elements of the claimed invention. The amount of newness and usefulness need only be minuscule to avoid a finding of lack of novelty.

The following are two court opinions in support of Applicant's position of non anticipation, with emphasis added for clarity purposes:

- "Anticipation under Section 102 can be found only if a reference shows **exactly** what is claimed; where there are **differences** between the reference disclosures and the claim, a rejection must be based on obviousness under Section 103." *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).

- "**Absence** from a cited reference **of any element** of a claim of a patent negates anticipation of that claim by the reference." *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986), on rehearing, 231 USPQ 160 (Fed. Cir. 1986).

C. Application of the Legal Standard of Novelty

Applicants will now present arguments in support of the allowance of representative independent claim 1, over Peskin.

The Examiner indicates that: "Regarding Claims 1, 11, and 21, Peskin discloses a method of automating an identification and type information configuration for a real-time data feed". Applicants respectfully traverse this characterization of Peskin.

Applicants submit that Peskin generally describes a method for augmenting an event-based appointment in an electronic scheduler in real-time includes retrieving an appointment data associated with an appointment. The appointment data includes an event trigger and event actions depending on the event trigger. The method also includes acquiring event-related information based on the event trigger, where the event-related information is capable of determining if the event trigger is satisfied. The method further includes **determining if the acquired event-related information satisfies the event trigger; and in response to determining that the event trigger is satisfied, performing the event action(s).**

In general, Peskin describes an electronic scheduler and, **given a known event that acts as a trigger**, it is capable of retrieving the appointment data associated with this event and performing the event actions. Peskin does not automate the identification the configuration of the type information for a real time data feed, as recited in the instant claim 1.

As further explained in claim 1, the method has **no "apriori knowledge of the type information prior to the execution of the trigger query statements in the database.**" Thus, if the real-time data feed of unknown type information and identification were fed into Peskin, the Peskin method will not be able to process such information, it that it requires the data to be known for

"determining if the acquired event-related information satisfies the event trigger; and in response to determining that the event trigger is satisfied, performing the event action(s)."

In addition, the Examiner indicates that Peskin describes: "automatically (¶0026, lines 3-6, Peskin) for the real-time data feed (¶0031, lines 2-4, Peskin)". In response, Applicants respectfully submit that claim 1 has been amended to clarify that the method automatically creates trigger query statements based on the real-time data feed, for execution in the database.

Peskin does not automatically create **trigger query statements**, such as SQL statements for **execution in the database**. It should be noted that Peskin handles trigger events but not trigger query statements.

In addition, the present method automatically creates the trigger query statements **on the fly that is from real-time data feed at run time**. Peskin on the other hand, processes trigger events of predefined types.

The Examiner further indicates that Peskin describes "automatically (¶0026, lines 1-3, Peskin) deriving a type information (¶0034, lines 8-14, Peskin) for the real-time data feed (¶0031, lines 2-4, Peskin) from a column being loaded (Fig. 2, item 204, Peskin).

In response, and as presented earlier, Peskin does not automatically derive **type information** for the **real-time data feed** from the data feed being loaded **at run time, without apriori knowledge of the type information prior to the execution of the trigger query statements in the database**.

As a result, based on the foregoing strict legal standard for anticipation, Applicants submit that **Peskin does not anticipate independent claims 1, 11, and 21 or the claims dependent thereon.** Thus, the claims on file are allowable and such allowance is earnestly solicited.

CLAIM REJECTION UNDER 35 U.S.C. 103

A. The Rejection

Claims 2, 3, 10, 12, 13, 20, 22, 23, and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peskin in view of Wilmot (US Patent Publication No. 20040003009). Applicants respectfully submit that the two cited references do not disclose all the elements and limitations of the claims on file as a whole. Consequently, the claims on file are not obvious under 35 U.S.C. 103 whether considered individually or in combination with each other. To this end, Applicants respectfully submit the following arguments:

B. Application of the Legal Standard of Obviousness

The allowability of the rejected claims will now be discussed in view of representative claim 1. Applicants agree with the Examiner that "Peskin does not explicitly disclose a method wherein the trigger statements comprise an insert trigger."

Applicants incorporate by reference the arguments presented earlier in connection with the allowance of claim 1 over Peskin, and further respectfully

submit that even if insert triggers were known, contrary to the cited references, the insert triggers as recited in the claims are trigger query statements to be executed in the database.

Considering the present invention as a whole, no such trigger query statements are described in either Peskin or Wilmot. As a result, Applicants respectfully submit that **neither Peskin nor Wilmot** considers the present invention as a whole. Reference is made to the following legal authority in support of the finding of non-obviousness:

> **"In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is** not whether the differences themselves would have been obvious, but **whether the claimed invention as a whole would have been obvious**. The prior art perceived a need for mechanisms to dampen resonance, whereas the inventor eliminated the need for dampening via the one-piece gapless support structure. "Because that insight was contrary to the understandings and expectations of the art, the structure effectuating it would not have been obvious to those skilled in the art." 713 F.2d at 785, 218 USPQ at 700."

Consequently, the hypothetical combination of Peskin and Wilmot will not consider the present invention as a whole, necessitating the finding of non-compliance with the foregoing legal standard.

The rejected claims are thus not obvious in view of Peskin and Wilmot and the allowance of these claims is earnestly solicited.

CONCLUSION

All the claims presently on file in the present application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for

any reason that direct communication would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned at the below-listed telephone number.

Respectfully submitted,

Date: April 19, 2006

Samuel A. Kassatly Law Office
20690 View Oaks Way
San Jose, CA 95120
Tel: (408) 323-5111
Fax: (408) 521-0111

Samuel A. Kassatly
Attorney for Applicants
Reg. No. 32,247